

PERMITTEE: Grassy Hill Country Club
441 Clark Lane PO Box 647
Orange CT 06477

PERMIT NO.:DIV-200900320

TOWN: Orange

WATERS: Wepawaug River

Pursuant to Connecticut General Statutes section 22a-368, Grassy Hill Country Club (the "permittee") is hereby authorized to divert the waters of the state at 441 Clark Lane, Orange, CT (the "site") in accordance with permittee's application dated January 29, 2009 filed with this Department on January 30, 2009 described herein. The purpose of the diversion is to divert water from the Wepawaug River for irrigation of the golf course.

AUTHORIZED ACTIVITY

The permittee is authorized to divert the waters of the state by withdrawing a maximum of 0.300 million gallons of water per day (mgd), and an average day month maximum of 0.250 mgd from the irrigation pond for golf course irrigation purposes. All authorized activities shall be in accordance with plans entitled "Grassy Hill Country Club", dated January 2008, prepared by Fuss & O'Neill, and documentation submitted as a part of the application. The average day maximum month calculation is based on the total withdrawal for the maximum calendar month divided by the number of days in that month.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

SPECIAL CONDITIONS

1. **Metering of Withdrawals.** The permittee shall maintain totalizing flow meter(s) to measure the total amount of water withdrawn from the Wepawaug River and shall for the duration of this authorization continuously operate and maintain such meter(s). In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.
2. **Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from the Wepawaug River each day. The daily record shall also record the hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation(s) specified in this permit. A copy of the daily record of withdrawals

shall be included in the Annual Report to the Commissioner required by Special Condition #12 of this permit.

3. **Other Restrictions.** The DEP shall have the right to restrict the diversion authorized in this permit at any time the Commissioner in his judgment determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of water uses, or b) the continuation of the diversion would have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
4. **Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the Commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit, and records of all data used to compile these reports.
5. **Meter Calibration.** The permittee shall biennially (i.e., every other year) beginning in the first year of operation test each meter referenced in Special Condition #1 above and calibrate to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration tests along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request. Such record shall be signed by the permittee and the individual(s) responsible for actually preparing such record, each of whom shall certify in writing in accordance with General Condition #11.
6. **Chemigation.** The permittee is prohibited from using the irrigation system for the purpose of chemigation without the appropriate discharge permit and pesticide application permit from the Commissioner.
7. **Seasonal Irrigation Restrictions.** Irrigation withdrawals of more than 50,000 gallons per day total from the Wepawaug River authorized under this permit are restricted to the period April 15 through October 31 inclusive.
8. **Stream Gaging, Monitoring and Reporting.** The stream gage installed in 2008 will be used in conjunction with a stream flow rating curve created with this stream gage to determine daily flow rates in the Wepawaug River. Stream gaging, calibration of the gages, and stream flow measurements shall conform to the procedures described in the Measurement and Computation of Stream Flow (Volumes 1 & 2), U.S. Geological Survey Water-Supply Paper 2175, Rantz, S.E. et al, 1982. The permittee shall maintain the gage for the duration of this permit, including re-calibration and development of a new rating curve as field conditions warrant. The permittee shall maintain a daily record of the staff gage reading and stream flow as determined from the established rating curve for the duration of this authorization. A copy of this record shall be included in the Annual Report to the Commissioner required by Special

Condition #12 of this permit.

9. **Wepawaug Flow Maintenance.** The permittee shall immediately cease withdrawing water from the river for the remainder of the day and the next calendar day, when the flow of Wepawaug, as measured daily at 9:00 A.M. at the permanent gaging station referenced in Special Condition #8, is at or below 38.10 cubic feet per second (cfs) during the month of April, or at or below 24.45 cfs during the month of May, or at or below 11.55 cfs during the month of June, or at or below 4.95 cfs during the month of July, or at or below 3.45 cfs during the month of August, or at or below 3.30 cfs during the month of September, or at or below 6.75 cfs during the month of October. A copy of the record of withdrawal shutdown and startup dates and times shall be included in the Annual Report to the Commissioner required by Special Condition #12 of this permit.
10. **Drought Response Plan.** Upon notification by the Commissioner of a particular drought stage as described in "Connecticut Drought Preparedness and Response Plan" (August 4, 2003), the permittee shall limit the authorized withdrawal maximum from the irrigation pond as follows:
 - a. Drought Advisory: 10% reduction
 - b. Drought Watch: 15% reduction
 - c. Drought Warning: 20% reduction
 - d. Drought Emergency: 25% reductionFurthermore, during a declared "Drought Emergency" stage, the permittee shall comply fully with Part V, number 12, subsection A, B and C of the "Connecticut Drought Preparedness and Response Plan" (August 4, 2003).
11. **Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall submit in writing a report of the violation to the Commissioner. Such report shall be certified in accordance with General Condition #11 and shall include the following information:
 - a. The provision(s) of this permit that has been violated;
 - b. The date and time the violation(s) was first discovered and by whom;
 - c. The cause of the violation(s), if known;
 - d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
 - e. If the violation(s) has not ceased, the anticipated date when it will be corrected;
 - f. Actions taken and Actions planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
12. **Annual Report.** The permittee shall submit by January 30 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with General Condition #11 of this permit and shall contain the following:

- a. A copy of the record of daily withdrawals and hours operated as required by Special Condition No. 2 of this permit;
- b. A copy of the Stream Gaging, Monitoring and Reporting as required by Special Condition No. 8 of this permit;
- c. A copy of the Wepawaug Flow Maintenance as required by Special Condition No. 9 of this permit;
- d. Denotation and explanation of any instances of violation of the authorized-withdrawal limitation(s) or any other condition of this authorization;
- e. Records of annual diversion shutdown and startup dates.

GENERAL CONDITIONS

1. The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.

6. If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.
7. This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. This permit shall expire on (25 years).
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."
12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the

Commissioner, be directed to:

Director
DEP/Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on

Amey W. Marrella
Commissioner